

### **REMARKS/ARGUMENTS**

In the Office Action mailed April 5, 2005, the drawings were objected to under 35 C.F.R. § 183(a). The amended drawings attached herein obviate the Examiner's objections. The pipe/duct that has been drawn in to FIG. 2 connected to the structure identified by reference numeral 43. This amendment does not constitute new matter as the pipe/duct was thoroughly discussed in the specification of the as-filed application and as-filed claims. Applicant respectfully requests the Examiner withdraw the objections with respect to the drawings.

Claim 8 has been objected to due to an informality. The amendment to claim 8 made herein has obviated this objection. Applicant respectfully requests that the objection to claim 8 be removed and that claim 8 be allowed.

After entering this amendment, claims 1, 7, 8, 12, 13, 19, 20, 21, 23-27 are amended, and claim 22 is cancelled. All pending claims are believed to be patentable over the cited reference, and Applicant respectfully requests allowance thereof.

### **ALLOWABLE SUBJECT MATTER**

The Applicant thanks Examiner for finding the allowable subject matter in claims 7-12, 19-21 and 27-28. The Examiner indicated that these claims were allowable but objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. The Applicant has made the amendments to the claims as suggested by the Examiner, namely rewriting them in independent form, including all limitations of the base claim and any intervening claims with the exception of occasionally substituting the words, "combustion device" for "boiler" in some of the claims as indicated in the claim amendment section of this amendment. Applicant respectfully requests that the objections with respect to claims 7-12, 19-21, 27 and 28 be removed, and those claims be allowed.

CLAIM REJECTIONS – 35 U.S.C. § 102

The Examiner rejected claims 1-4, 6, 13-16, 18 and 22-25 under 35 U.S.C. § 102(b) as being anticipated by Kesterman, United States Patent No. 6,379,154 (hereinafter referred to as “Kesterman”). The Applicant respectfully traverses these rejections.

The § 102 rejection is proper only if each and every element set forth in the claim is found – i.e., the prior art must teach every aspect of the claim, *See Verdegall Bros. v. Union Oil Co. of California*, 918 F. 2d 628, 631 (Fed. Cir. 1987); *see also* M.P.E.P. § 2131.

Independent claim 1 has been amended to substantially include the subject matter of dependent claim 8, which the Examiner previously acknowledged as being patentable over the cited prior art. An exception being the Applicant has substituted the term, “boiler” for the term, “combustion device”, indicating that the invention is not limited to boilers only, but any combustion device. Therefore, claim 1 is now allowable as well as its dependent claims by reason of their dependency.

Dependent claim 13 has been amended to contain substantially the same limitations as former dependent claim 8, which the Examiner has previously acknowledged to be patentable over the cited prior art, with an exception being Applicant has substituted the term, “combustion device” for “boiler”, indicating that the claim is not limited to boilers only, but, generally, any type of combustion device.

Claim 22 has been cancelled, and the dependency of its previous dependent claims have been changed to depend from claim 27, which the Examiner has previously indicated to contain allowable subject matter. Further, the term “boiler” has been removed from independent claim 27 with the term “combustion device” being inserted in its place, indicating that the claim is not limited to boilers only, but includes and contemplates any type of combustion device. Applicant respectfully requests that the rejections under 35 U.S.C. § 102, with respect to claims 1-4, 6, 13-16, 18 and 23-25, as being anticipated by U.S. Patent No. 6,371,154 to Kesterman be removed.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 5, 17 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kesterman. The Applicant respectfully traverses this rejection. Claims 5, 17 and 26 are dependent upon claims 1, 13 and 27, respectively. At least for the reasons stated above, claims 1, 13 and 27 are patentable over Kesterman and, therefore, claims 5, 17 and 26 are patentable at least by reason of their dependency. Applicant respectfully requests that the rejection of claims 5, 17 and 26 be removed, and claims 5, 17 and 26 be allowed.

CONCLUSION

In view of the foregoing remarks, the Applicant respectfully requests that all the objections and rejections to the claims be removed and that the claims pass to allowance. If for any reason the Examiner disagrees, please call the undersigned attorney at 202-861-1792 in an effort to resolve any matter still outstanding before issuing another action. The undersigned Attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

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